

a.) Remarks

Claim 1 only is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7 and 8 of co-pending Application No. 11/289,706.¹ This provisional rejection is respectfully traversed.

Nonetheless, solely in order to reduce the issues and expedite prosecution herein, Applicants enclose a suitable Terminal Disclaimer. Also, a depository account payment in the amount of \$130.00 to cover the fee under 37 C.F.R. §1.20(d) is being filed currently herewith. Any deficiencies may be charged to Deposit Account No. 06-1205.

In view of the accompanying Terminal Disclaimer, Applicants submit that all of the Examiner's concerns are now overcome and claim 1 is now in allowable condition together with claims 2-5. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-5 remain presented for continued prosecution.

¹ Claims 2-5 are rejected solely as depending from a rejected base claim but would be allowable if rewritten in independent form. In this regard, the Examiner's assistance and cooperation in expediting the allowance of this application by examining separately the subject matter of Applicants' dependent claims is gratefully acknowledged.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/
Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LSP\ac

FCHS_WS 1415674_1.DOC